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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,802	09/22/2005	Keiichiro Suzuki	094500203332-US0	3960
7278 DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770	7590 01/02/2009		<div>EXAMINER</div> <div>AMIRI, NAHID</div>	
			<div>ART UNIT</div> <div>3679</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>01/02/2009</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/550,802

**Applicant(s)**

SUZUKI ET AL.

**Examiner**

NAHID AMIRI

**Art Unit**

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-9 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

In view of Applicant's Amendment received 6 October 2008, amendments to the claims have been entered. Claims 1-9 are pending.

### *Claim Rejections - 35 USC § 103*

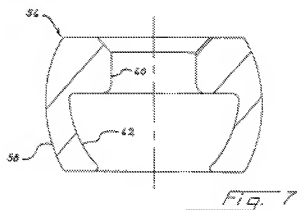
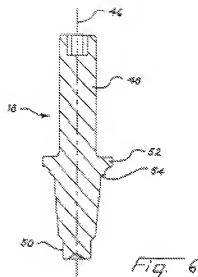
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3, 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,398,446 Pazdirek et al. in view of JP 2001304238 Takahashi.**

With respect to claim 1, Pazdirek et al. disclose a ball joint (Figs. 6, 7, and 9) comprising a housing (14) with an opening portion; a ball head portion (56) rotatably housed in said housing (14); a ball stud comprising a stud portion (18) provided in a protruding manner from said ball head portion (56), and protruding from said opening portion; and a brim portion (52) provided in a protruding manner on an outside surface of said stud portion (18); and an elastic dust cover (20) fitted around the stud portion (18), provided flatly across an outside surface of said housing (14) and a position along an outside surface of said stud portion (18) that is closer to the brim portion (52) than the ball head portion (56) so as to block said opening portion, said dust cover (20) comprising a first lip portion (L1) protruding from an outer circumferential surface of said elastic dust cover that faces the ball head portion-side end face of said brim portion (52), and wherein the tip is closely fitted in a manner urged toward; and a second lip portion (L2) which inherently capable of tilting gradually and which protrudes from an outer

circumferential surface of said elastic dust cover that faces the ball head portion-side end face of said brim portion (52), and which protrudes further outward than said first lip portion (L1), and wherein the tip is closely fitted in a manner urged toward an outside surface of said brim portion (52). Pazdirek et al. fail to disclose that the dust cover is an elastic material. However, it is well-known per se that the dust cover is an elastic material in order to permit flexing of the cover through the range of articulation. Nevertheless, Takahashi teaches a ball joint (abstract, Fig. 1) having an elastic dust cover (12). It would have been obvious to one of ordinary skill in the art at the time of invention was made to form the dust cover of Pazdirek et al. from elastic material as taught by Takahashi in order to maintaining high scalability irrespective of articulation of the ball joint.





With respect to claims 2, 3, and 5, Pazdirek et al. disclose (Fig. 9) that the first lip portion (L1) is urged toward a ball head portion-side end face of said brim portion (52), and closely fitted to a part of said end face; and wherein second lip portion (L2) is urged toward an outside surface of the brim portion (52), and closely fitted to a part of said outside surface.

With respect to claim 9, Pazdirek et al. fails to disclose that the opening portion is located on one end of the housing, and the opposite end of the housing is closed by a plug caulked to the housing. Takahashi discloses a ball joint (Fig. 1) having an opening portion is located on one end of a housing (7), and the opposite end of the housing (7) is closed by a plug (9) caulked to the housing (7). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the housing of Kuroda with a plug as taught by Takahashi in order to seal the top portion of the housing.

**Claims 4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pazdirek et al. and Takahashi as applied to claims 1-3, 5 and 9 above, and further in view of US Patent No. 3,414,275 Takahashi.**

With respect to claims 4 and 6-8, Pazdirek et al. fail to disclose that the dust cover is provided with a pocket portion, said second lip portion and said brim portion of said ball stud, retaining a lubricant member inside. Takahashi teaches (Fig. 7) a seal lip (4) having a first and second lip portions (5a, 5b) is provided with a grease pocket portion (6) to retains a lubricant member (grease) inside. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the dust cover of Pazdirek et al. with a pocket portion to retains a lubricant member such as grease as taught by Takahashi in order to ease the movement between the seal lip and the brim member.

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action, e.g. claim 1, lines 12-13, the limitation of **“a first lip portion protruding from an outer circumferential surface of said elastic dust cover that faces the ball head portion-side end face of said brim portion a first lip portion protruding from an outer circumferential surface of said elastic dust cover that faces the ball head portion-side end face of said brim portion”**, and lines 16-18, **“a second lip portion which is tilted gradually and which protrudes from an outer circumferential surface of said elastic dust cover that faces the ball head portion-side end face of said brim portion, and which protrudes further outward than said first lip portion”**, was not claimed in original claimed invention. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on Monday through Thursday from 8:00-6:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nahid Amiri  
Examiner  
Art Unit 3679  
December 26, 2008

/Daniel P. Stodola/  
Supervisory Patent Examiner, Art Unit 3679